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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Irving Trinidad RUIZ-Barreras** **AKA: Policarpio ACOSTA-Verdugo** Defendant.	Magistrate Case No. '07 MJ 24 65 **COMPLAINT FOR VIOLATION OF** Title 8, U.S.C., Sec. 1324(a)(2)(B)(iii) - Bringing in Aliens Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on or about **October 15, 2007**, within the Southern District of California, defendant **Irving Trinidad RUIZ-Barreras AKA: Policarpio ACOSTA-Verdugo**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Velia LARA-Meneses, Cecilia MARTINEZ-Sanchez, and V.H.M** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparragoza, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **16th** DAY OF **October 2007**

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Velia LARA-Meneses, Cecilia MARTINEZ-Sanchez, VHM,** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 15, 2007 at approximately 1:45 PM, **Irving Trinidad RUIZ-Barreras AKA: Policarpio ACOSTA-Verdugo (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver of a white Dodge Stratus. While conducting pre-primary inspections, a Customs and Border Protection (CBP) Officer approached Defendant and received two negative customs declarations. Defendant claimed ownership of the vehicle and stated that he was going to San Diego. During a primary inspection of the vehicle, the CBP Officer discovered several individuals concealed in the trunk. CBP Officers escorted the vehicle and its occupants to the secondary area for further inspection.

In secondary, CBP Officers removed five individuals from within the trunk of the vehicle. Three individuals are now identified as Material Witnesses: **Velia LARA-Meneses (MW1), Cecilia MARTINEZ-Sanchez (MW2), V.H.M (MW3).** Material Witnesses were determined to be citizens of Mexico with no entitlements to enter, pass-through, or reside in the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted a man named "Paco" provided him with the Legal Permanent Resident card and the vehicle containing an unknown amount of individuals concealed in the trunk. Defendant stated that for driving the vehicle into the United States, "Paco" was going to charge him a discounted smuggling fee of $1200.00 (USD) instead of $2500.00 (USD). Defendant stated he was going to drive the vehicle to an unknown location in San Diego. Defendant admitted the document he possessed did not belong to him.

Videotaped interviews were conducted with Material Witnesses. All Material Witnesses stated they are citizens of Mexico with no documents to lawfully enter or reside in the United States. MW1 stated she made the arrangements with an unknown male and was to pay $2000.00 (USD) to be smuggled into the United States. MW2, along with her minor son, MW3, stated her cousin made arrangements for an unknown smuggling fee. Material Witnesses stated they intended to travel to the United States to be with family.

WILLIAM McCURINE, JR.
U.S. MAGISTRATE JUDGE